

**LOWER PAXTON TOWNSHIP  
ZONING HEARING BOARD**

Meeting of March 22, 2007

Members in Attendance

David Dowling, Chairman  
Sara Jane Cate, Vice Chairperson  
Jeffrey Staub  
Richard Freeburn  
Greg Sirb

Also in Attendance

James Turner, Solicitor  
Dianne Moran, Planning & Zoning Officer

**Docket # 1227**

Applicant:	Members 1 <sup>st</sup> Federal Credit Union c/o William J. Bowerman, AVP Facilities
Address:	5000 Louise Drive, Mechanicsburg, PA 17055
Property:	1021 Briarsdale Road Tax Parcel #35-075-046
Interpretation:	Maximum sign height permitted: 10 feet Maximum sign area permitted: 40 square feet  Applicant proposes a freestanding sign that is 20 feet in height and 77.4 square feet in area.
Grounds:	Section 714.A. of the Lower Paxton Township Codified Ordinances pertains to this application.

The following were sworn in: Erik Hume, McNees Wallace and Nurick LLC; William J. Bowerman, AVP Facilities for Members 1<sup>st</sup> FCU; and Dianne Moran, Lower Paxton Township Planning and Zoning Officer.

Ms. Moran testified that the appropriate fees were paid on February 28, 2007. Proper advertisements were made in the Paxton Herald on March 7 and 14, 2007. The property was posted on March 12, 2007.

Ms. Moran testified that Section 714.A. of the Lower Paxton Township Codified Ordinances, Free Standing Signs, pertains to this variance application.

The applicant proposes a freestanding sign that is 20 feet in height and 77.4 square feet in area.

Mr. Hume presented the exhibits as follows: Exhibit #1 is the application, Exhibit #2 is a satellite photograph of the site, Exhibit #3 is a collection of photographs of the site, Exhibit #4 is the site plan, Exhibit #5 is a diagram of the wall signs and window signs, Exhibit #6 is the diagram of the proposed freestanding sign.

Mr. Bowerman testified that he is employed by Members 1<sup>st</sup> as the assistant vice president of facilities. He is familiar with the design and layout of Members 1<sup>st</sup> branches, and with the property located at 1021 Briarsdale Road. Members 1<sup>st</sup> is currently constructing a new branch at this location to replace the branch in the leased space in the Union Square Shopping Center, about a half mile from the new branch. The new branch is located south of Union Deposit Road behind the McDonald's, and across the street from a hotel, or about 366 feet from Union Deposit Road. There is another hotel to the west of the site, a Your Place restaurant to the northeast, an industrial property to the south, and a carwash is being built to the east.

Mr. Bowerman testified that the Members 1<sup>st</sup> site is the low point in the area, the land rises to the north, south and east. Mr. Bowerman identified Exhibit 3 as photos that he took of the site.

Mr. Bowerman testified that there is a very short sight distance of Union Deposit Road visible from the site.

Mr. Bowerman described Exhibit 4, the site plan for Members 1<sup>st</sup>. There will be 4 drive-thru lanes and a drive-thru ATM. The proposed pylon sign will be placed in the northwest corner, just out of the sight triangle.

Mr. Bowerman described Exhibit 5 showing the signage that will be placed on the building: 2 wall signs and 2 circular window decals. Mr. Hume noted that the application erroneously refers to the two window signs as wall signs.

Mr. Bowerman confirmed that the sign on the north side of the building will be 15.21 square feet, and the area of the wall on the north side will be 53 square feet. The sign on the west side of the building will be 40.33 square feet and the area of the wall on the west side of the building will be 73 square feet. Ms. Cate noted that the documents submitted indicate that the 40.33 square foot sign will be on the north side. Mr. Hume stated that is incorrect. The larger sign will be on the west side of the building.

Mr. Bowerman stated that the two window signs will comply with the ordinance requirements for size.

Mr. Bowerman stated that Exhibit 6 shows the proposed pylon sign, located on the northwest side of the building. The height of the pylon will be 20 feet. It will be constructed of aluminum metal framing, with the top being plexi-glass sign and the lower

portion being an LED three-line message board. The top will be internally illuminated, two faced with identical faces. The lower portion will have a changeable message that will not change more than once per minute, and will not flash or move. That sign will comply with the ordinance.

Mr. Hume asked why Members 1<sup>st</sup> needs a sign that is 20 feet high. Mr. Bowerman stated that the ordinance allows a 20 foot high sign along Union Deposit Road, and they want to comply with that. They have been trying to get a location along the Union Deposit Road corridor for some years and this was very close, but it does not have good sight lines and is back from the main traffic, and is the low spot in the area. He would like to have a larger sign that is in compliance with the ordinance. The site has two frontages which would allow the site two freestanding signs at 40 square feet each. They combined that into one sign and would like it to be 80 square feet. Mr. Hume noted that a sign with higher height will have better visibility to motorists on Union Deposit Road. One larger freestanding sign would give more visibility than two smaller freestanding signs. Mr. Bowerman felt that the 20 foot high sign would help those that are used to going to Union Square Shopping Center to find the new location.

If granted this variance, Mr. Bowerman stated he does not intend to erect another freestanding sign.

Mr. Hume stated that this site is unique because of the downward slope from Interstate 83 and Union Deposit Road. Mr. Bowerman stated that is correct. Due to the unique physical characteristics of the site it is difficult or impossible to erect appropriate signage for the site in strict compliance with the zoning ordinance.

Mr. Bowerman noted that there are a large number of tractor trailer trucks that use Briarsdale Road and they stack up waiting at the traffic signal. A 10-foot high sign would be virtually invisible the majority of the time.

Mr. Hume asked if the applicant created the situation of the topography or truck traffic. Mr. Bowerman answered that he did not.

Mr. Bowerman testified that the signs proposed at Members 1<sup>st</sup> will not differ in character from those around it, nor will it alter the character of the neighborhood. The variance requested is the minimum amount necessary to give relief.

Mr. Sirb asked the difference between the properties on Union Deposit Road and the properties behind it. Ms. Moran stated that the Township has identified several corridors that are permitted 20 foot high signs, Route 22, Union Deposit Road and interstate highways. Those areas are already very commercial, and the Township does not want the other roads or areas to look like those corridors.

Mr. Sirb agreed that this site's topography is low and odd, but hesitated because of creating a domino effect, noting that the next lot back will want a sign 22 feet high, and the next one will want 24 feet and so on.

Mr. Sirb asked what part of the 10-foot sign would not be seen. Mr. Bowerman stated that a large part of the sign would not be seen because of the tractor trailers. Mr. Bowerman stated that you may be able to see the top 12 inches of the sign over a truck, but speculated that you may not see it at all factoring in the slope of the site.

Mr. Freeburn asked what about this site is different than any other one along Union Deposit Road. Mr. Freeburn noted that the legislative body has decided that the properties just off of Union Deposit Road are only permitted 10 foot high signs. If a variance would be granted here, there is nothing stopping every other property one block back from getting a variance.

Mr. Hume stated that the location for the sign is bowl shaped, and that is unique to this site. There are large multi story buildings surrounding this site on three sides. Mr. Hume noted that he is trying to be consistent with what is allowed on Union Deposit Road. He added that a sign that is 30 or 40 feet would be even better, but the ordinance allows 20 feet on Union Deposit Road so that is the height they requested. Mr. Hume also noted that someone further back from the main road will not regularly have large trucks stopped in front of their sign.

Mr. Staub noted that if the site is 6-8 feet lower than the surrounding area, and a truck is in front of the sign, there is a very good chance that the sign would not be visible at 20 feet anyway.

Ms. Cate asked if the bank never gets repeat customers. Mr. Bowerman stated they hope to get repeat customers and new customers. Ms. Cate asked if the greatest number of customers are repeat customers. Mr. Bowerman answered that there are probably more repeat customers than new ones, but Members 1<sup>st</sup> does attract a large number of new customers. All customers will be new to this location for a while.

Ms. Cate noted that she did not see any tractor trailers when she visited the site. The Fairfield Inn is about the same level as the site and does not have a standing sign. Ms. Cate noted that some of the hotels have chosen to place directional signs at Union Deposit Road and Briarsdale Road. Ms. Cate felt signs should not be high in the air to be seen, as most drivers drive looking straight ahead or at the road so a directional type sign would be more effective. She also felt that the site was not much lower than the McDonald's. Fairfield Inn has no signs that are not on the building. Mr. Bowerman stated that the Fairfield Inn has 4 story high signs on the building.

Mr. Bowerman noted Members 1<sup>st</sup> does not own any property on Union Deposit Road to place signs, like Fairfield Inn does.

Ms. Cate stated she has not been convinced that this site needs a variance for its sign.

Mr. Bowerman noted that variances do not set precedent or domino effect.

Ms. Cate asked why the applicant selected the lowest site to build its bank on. Mr. Bowerman stated that he selected the site because it is big enough to handle their needs, and the next lot back is higher but not big enough.

Mr. Freeburn felt that the topography was the only valid argument for meeting the intent of a variance. He also stated that the ordinance was written deliberately, and the Township did not want the properties behind the main road to have the same size or height signs as those on Union Deposit Road. He interpreted the ordinance to mean that the signage on the side streets is for local traffic, and not meant for the traffic on the main corridor. Members 1<sup>st</sup>'s goal of being seen from Union Deposit Road is contrary to the spirit of the ordinance.

Mr. Hume noted that the site is zoned CN, Commercial Neighborhood, and was intended to have commercial traffic. The reason for the sign is for customers that are accustomed to using the branch in Union Square Shopping Center to be able to recognize the new branch in enough time to safely make the change.

In response to Ms. Cate's comments about the height of the sign, Mr. Hume noted that a sign that is 20 feet tall will not be straight up, it will look close to eye level to a car traveling on Union Deposit Road.

Mr. Freeburn asked if the bank will send out notices to its customers alerting them to the change. Mr. Bowerman stated that they will send out notices and post signs at the other branches, however, Briarsdale Road is not very well known around the area.

There was no comment from the audience.

Mr. Hume stated that there is a Hertzberg Standard for dimensional variances and this situation is consistent with what is almost the Union Deposit Road corridor. The applicant is not trying to increase sign pollution, and is only installing one pylon sign when it is allowed two. They are also reducing the number of wall signs by half. They are in a CG zone and are surrounded by commercial areas on all sides. The applicant is also proposing a significant reduction in the area of the signs.

Mr. Dowling asked how many Members 1<sup>st</sup>'s are in Lower Paxton Township. Mr. Bowerman stated this will be the first, and there is another one being proposed on Lockwillow Avenue. Ms. Cate noted that the other branch requested a variance too.

Ms. Cate made a motion to deny the request for variance. Mr. Staub seconded the motion. Mr. Freeburn noted that the Board trusts that Members 1<sup>st</sup> will still design signs that are visually appealing regardless of the denial, and that the Board does not intend to torture applicants, but this ordinance was written with deliberate reasons behind it. He also noted that the attorney for the applicant did a nice job. Mr. Dowling felt that Members 1<sup>st</sup> is typically a high quality establishment. Mr. Hume asked if the motion was made for both variance requests, size and height. Ms. Cate stated it was for both requests. A roll call vote followed: Mr. Staub-Aye; Mr. Freeburn-Aye; Mr. Sirb-Aye; Ms. Cate-Aye, and Mr. Dowling-Aye.

The variance request was unanimously denied.

The hearing ended at 7:43 pm.

**Docket # 1228**

Applicant:	Hartman Motorcars
Address:	6060 Allentown Boulevard, Harrisburg, PA
Property:	6060 Allentown Boulevard, Harrisburg, PA Tax Parcel #35-
Interpretation:	<p>The maximum area permitted for a freestanding sign is 40 square feet. Applicant proposes 154 square feet.</p> <p>The maximum height permitted for an instructional sign is 4 feet, and the maximum area permitted is 8 square feet. Applicant proposes 5 feet in height and 19.38 square feet.</p> <p>The maximum area permitted for a wall sign is 10% of vertical building wall face to which the sign is attached, and the maximum number of wall signs permitted is 2. Applicant proposes too many wall signs that may exceed the maximum allowable square footage.</p>
Grounds:	Section 714.A. of the Lower Paxton Township Codified Ordinances pertains to this application.

Mr. Staub recused himself, as he has a business relationship with the applicant.

The following were sworn in: Greg Shughart, President of Deforest Signs; Chris Jamison, Vice President of Hartman Motorcars; and Dianne Moran, Lower Paxton Township Planning and Zoning Officer.

Ms. Moran testified that the appropriate fees were paid on February 28, 2007. Proper advertisements were made in the Paxton Herald on March 7 and 14, 2007. The property was posted on March 12, 2007.

Ms. Moran testified that Section 714.A. of the Lower Paxton Township Codified Ordinances, Free Standing Signs, pertains to this variance application.

The maximum area permitted for a freestanding sign is 40 square feet. The applicant proposes 154 square feet. The maximum height permitted for an instructional sign is 4 feet, and the maximum area permitted is 8 square feet. Applicant proposes 5 feet in height and 19.38 square feet. The maximum area permitted for a wall sign is 10% of vertical building wall face to which the sign is attached, and the maximum number of wall signs permitted is 2 per side. Applicant proposes 7 wall signs on one side at an area of 3%.

Mr. Shughart stated he is a sign manufacturer subcontracted for a company that makes these signs for Toyota and he is bound by Toyota and must use signs from their sign packages. The ones chosen are the smallest available.

Mr. Shughart stated the reason for the variance request for the directional or instructional signs is to direct traffic to the appropriate location on the lot. He presented a site plan that showed where the instructional signs will go on the site.

The hardship for directional signs is that they will be placed at driveways that have both ingress and egress.

Deforest Sign Company is involved in an organization called US Sign Council, which does ongoing research with Penn State University, and studies vehicular traffic. They have come up with a formula for viewer reaction time which is the time that someone sees a sign, ingests the contents, re-concentrates on traffic, then looks at the sign again to maneuver towards the destination on the sign. When driving at an average speed of about 25 mph, a driver has about 6 seconds to take in the information on a directional sign and react to it. This is the reason that the applicant is asking for the size and height of the directional signs. The height is the more important issue in this variance request. The report recommends a height of 7 feet above grade which is the same height that the federal highway administration uses for their directional signs. The applicant is asking for 5 feet in height.

Mr. Dowling asked Mr. Shughart to go through the packet of information and explain which signs will go at which locations. Ms. Shughart stated that the freestanding sign is proposed to be located on the Mountain Road side of the lot. The 2 service bays will face west and will have identification above them. The Toyota entrance will have Toyota on the building and a non illuminated sign above the door. The Scion area will have the same set up. From left to right on the building, there will be the following signs: a set of Scion LED internally lit letters, 15 feet high by 13 feet 2 inches long (16.56 square feet); a non illuminated form plastic Scion logo which will be 2 feet 11 inches by 4 feet 3 inches (9.77 square feet); stacked Toyota logo along with LED illuminated letters for a total area of 7 feet 6 inches high by 10 feet 5 inches (78.15 square feet); another form plastic Toyota logo which will be 2 feet 10 inches by 4 feet 4 inches (12.25 square feet); dealer identification which will be non-illuminated set of form plastic letters reading "Harrisburg" measuring 18 inches by 11 feet 3 inches (16.87 square feet); and 2



service bays on the far right will both have 12 inch LED illuminated letters reading “service” measuring 12 inches by 4 feet 8 inches (4.66 square feet each). Those signs total 142.88 square feet.

Mr. Shughart noted it is important to identify the Toyota showroom and the Scion showroom and the service bays. Mr. Jamison stated that Scion is a new franchise.

Mr. Shughart stated they are allowed two signs per elevation which would give them 8 signs. The north side is not really visible to traffic going south on Mountain Road.

Mr. Dowling noted that the Board is very familiar with the site from Mr. Hartman’s many variance requests. Mr. Dowling felt that the wall signs seemed to be in proportion to the building, and was most concerned with the freestanding sign.

The ordinance allows 1 freestanding sign per vehicle manufacturer. The applicant is asking to erect one.

Mr. Sirb stated that the problem is that this dealer has many types of cars. Ms. Moran read the ordinance that states “one freestanding sign shall be permitted for each new vehicle manufacturer franchise” and one freestanding sign shall be permitted for a used car lot.

Ms. Cate asked if Scion is manufactured by Toyota, and therefore part of Toyota. Mr. Jamison stated that Scion and Toyota are manufactured by the same company as well as Lexus, but they are all separate franchises.

Mr. Shughart noted the issue is that the ordinance is interpreted differently by him and staff, and asked for the Board’s guidance. The sign has a decorative pole cover, and if that is included in the “sign” the variance request is for 154 square feet.

Ms. Moran stated that it is staff’s interpretation that the decorative pole cover is part of the sign and the area of the proposed sign is 154 square feet. The reasoning is that the whole piece is all one piece and the pole cover is the same as the part with the sign copy on it, not a pole with a box on top.

Ms. Cate felt that a car dealership is a destination location. Mr. Jamison noted that most people he has encountered do not know where Hartman Toyota is located, and they find the dealership by looking in the phone book.

Mr. Shughart stated that he is concerned with safety. He felt that signs are created for the first time customer, and they are trying to avoid that person having an accident.

Ms. Cate asked how many accidents occur at that location. Mr. Shughart did not know.

Mr. Sirb asked if the sign height is permitted. Mr. Shughart stated height meets the ordinance. Mr. Sirb asked if the reason for the variance is that the sign includes the pole cover.

Mr. Turner agreed with staff's interpretation, reading that "in the case of flat or 2-dimensional signs, the sign area is equal to the entire area of the sign face" and is no longer the smallest square that will fit all the text.

Mr. Shughart noted that this sign has dimension, and has channel letters and is therefore 3-dimensional. Mr. Turner stated that the intent of the ordinance is a sign that is triangular or like an ice cream cone that is mounted on something, not flat.

Mr. Dowling asked how this sign was chosen. Mr. Shughart stated that it is a standard developed by Toyota. Mr. Jamison noted that it may be different than others around here because it is the 2010 design versus the 2000 design. When they update the design, they use the newest images.

Mr. Freeburn asked Mr. Turner how they are supposed to interpret ambiguity. Mr. Turner stated ambiguity should go against the Township. Mr. Turner noted that every sign could be classified as 3-dimensional, because they are in a case that could be an inch thick, but the ordinance's use of the term 3-dimensional means something that is other than parallel faces. This sign has parallel faces regardless of the 3-dimensional element where the letters stick out from the sign face. Mr. Turner stated that does not make it 3-dimensional as is intended in the ordinance.

Ms. Cate asked if the entire sign is lighted. Mr. Shughart stated the only part of the sign that is lit is the part with logos and letters.

Mr. Freeburn asked how far the Toyota letters stick out from the sign. Mr. Shughart stated they are 6 inches thick from the face of the structure.

Mr. Sirb asked the square footage of the entire sign when counting the pole cover. Ms. Moran stated it is 154 square feet. Mr. Freeburn asked what it would be if you boxed the letters and logos. Mr. Shughart stated it would be 96 square feet, and noted that this would still require a variance, but a lesser variance.

Mr. Shughart asked about the definition of a wall sign, and if this freestanding sign could be considered a structure, therefore making the letters and logo a wall sign. The Zoning Hearing Board agreed to continue considering it a freestanding sign.

Mr. Freeburn noted that even with the best case scenario, this sign would be double the allowable amount of square footage.

Mr. Sirb asked if this property is classified as one commercial establishment, regardless of how many vehicles they sell. Ms. Moran stated there is a section in the sign ordinance for car dealerships, and under that he is allowed a freestanding sign for each franchise of new cars.

Mr. Dowling asked why there is no request for the other franchise names. Mr. Jamison stated that those signs are already in place and will not change with this project. The work being done now only applies to Toyota and Scion. Chrysler and Jeep are in other buildings.

Mr. Turner stated that if the freestanding sign is calculated as 3-dimensional, assuming it is two feet thick it would be 200 square feet. That would still require a variance.

Mr. Sirb agreed that the wall signs and directional signs are helpful in getting around the compound. The freestanding sign is stretching the boundaries of that corridor. If the sign copy area was put on a pole it would comply, but would be unattractive.

Ms. Cate stated she did not approve of all the wall signs proposed. Mr. Sirb was not opposed to them because they are inside the complex, but was not in agreement with the freestanding sign as proposed.

Mr. Dowling stated the sign proposed does not comply with the ordinance, and it is not even close. For it to comply, it would not be as attractive. Mr. Sirb was not concerned with the aesthetics only with the compliance with the ordinance, and what is proposed is extensive. He asked that the applicant try to be creative and come up with something better. The ordinance gives enough flexibility that they can be creative and make it attractive and reach the applicant's goals as well.

Mr. Jamison stated he has standards to comply with through Toyota as well. Mr. Freeburn speculated that Toyota has dealerships in municipalities across the country all with different standards and ordinances, so this sort of thing cannot be uncommon. He stated he understands that they want to maintain some continuity in their image, but there surely are variations on the sign they desire and the one proposed here is probably not the smallest. Mr. Shughart did not disagree.

Mr. Shughart asked what the Board would want to see if he would be permitted to resubmit something. Mr. Dowling felt that if they could get the sign face to be 40 square feet or close to it, then the applicant would have a fairly good shot. Mr. Sirb noted that the franchise issue is not the make of the entire sign itself, only with the Toyota name and logos.

Mr. Shughart noted that the Township is concerned about sign clutter, and this is a situation where they are allowed to have two freestanding signs and they have combined them into one. Mr. Jamison agreed that one sign will look better than two.

Mr. Dowling asked Mr. Turner if the vote could be split to allow them to vote on everything except the pole sign. Mr. Turner suggested that be done.

Mr. Jamison and Mr. Shughart were agreeable to tabling the vote on the freestanding sign, and the Board rendering a decision on all other aspects at this time.

Mr. Dowling suggested that the applicant work with Toyota then with the Township to get the boxed portion of the sign at or close to 40 square feet.

There was no comment from the audience.

Mr. Sirb made a motion to approve the variance request with regard to all aspects except the freestanding sign. Mr. Freeburn seconded the motion, and a roll call vote followed: Mr. Freeburn-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Dowling-Aye.

With respect to the freestanding sign variance application, the Board agreed to table the hearing with a unanimous voice vote.

The hearing ended at 8:46 pm.

Respectfully Submitted,

Michelle Hiner  
Recording Secretary